



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

DEC 17 2004



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Response Capability for Sexual Assault (JTF-SAPR-008)

This directive-type memorandum establishes DoD policy for the response and support for victims of reported sexual assault in the Military, Section 577(b) (3), (4), and (6) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, P. L. 108-375, October 28, 2004, and which is part of the comprehensive policy that the Secretary of Defense is to develop for the Department of Defense on the prevention and response to sexual assaults involving members of the Armed Forces. The comprehensive DoD policy is to address several matters, including guidelines for providing immediate full-spectrum sexual assault response capability for victims of reported sexual assault. The objective of this response capability is to ensure Service accountability and victim access to timely professional services.

All Armed Services shall develop Service-specific policy that establishes immediate response capability for each report of sexual assault in all locations, including deployed locations, to ensure timely access to appropriate victim services. This policy will include designation and responsibilities of Sexual Assault Response Coordinators and Victim Advocates, and adoption of guidelines for rapid response, including identification of first responders, requisite training for personnel, and the conduct of case management as outlined below.

All Services shall establish the position of Sexual Assault Response Coordinator. The Sexual Assault Response Coordinator is considered the center of gravity when it comes to ensuring that victims of sexual assault receive appropriate and responsive care. They will



serve as the single point of contact to coordinate sexual assault victim care. The term Sexual Assault Response Coordinator will be a standardized term utilized throughout DoD and the Services to facilitate communication and transparency regarding sexual assault response capability. The Services shall establish the appropriate geographic or unit responsibility of the Coordinator and ensure that a victim receives timely access to appropriate services. The Sexual Assault Response Coordinator may be, at the Services discretion, military, DOD civilian or contractor. It is essential that the Sexual Assault Response Coordinator reports to a Commander designated by the Services, who is at a level of command commensurate with the maturity and experience essential to the responsibilities involved.

The Sexual Assault Response Coordinator will be responsible for tracking the services provided to the victim from initial report of a sexual assault, through disposition and resolution of the victim's health and well-being. The Coordinator will have oversight responsibility for the Victim Advocate; serve as chairperson of a case management group that meets monthly; track the dispositions of all military sexual assault cases for their designated area of responsibility; and provide regular updates to the commander responsible for overseeing the Sexual Assault Response Coordinator on the disposition status of a case. The Coordinator will be responsible for assisting Commanders in meeting annual sexual assault prevention and response training requirements, including newcomer and orientation briefings and will provide community education regarding available sexual assault prevention and response services. Specific reporting requirements will be defined and communicated in a future directive-type memorandum.

All Services shall establish the capability of a Victim Advocate to respond to each report of sexual assault. The Victim Advocate shall be notified and assigned immediately upon receipt of each report of sexual assault. The term Victim Advocate will be used as a standard term throughout DoD and will be directly accountable to the Sexual Assault Response Coordinator. The Victim Advocate can be a paid position, volunteer or staff assigned as a collateral duty and will be trained in providing advocacy for victims of sexual assault. The Services will establish screening and qualification standards for the Victim Advocate. Guidance on training standards for the Victim Advocate will be provided in a future directive-type memorandum. The victim advocate shall provide crisis intervention, referral and ongoing non-clinical support to the victim of a sexual assault. Support will include providing information on available options and resources so the victim can make informed decisions about their case. The advocate shall ensure that the guidance provided to the victim of sexual assault is accurate and comprehensive. The advocate will accompany the victim, at the victim's request, during investigative interviews and medical examinations. The advocate services should continue until the victim identifies they no longer need the support.

All Services shall establish guidelines for sexual assault response capability. The Services must provide a 24 hour/7 day a week sexual assault response capability for all locations, to include deployed locations. In a Joint environment, the Joint Task Force Commander will designate an executive agent to provide timely response capability in his or her area of responsibility. The guidelines will include the identification of first responders and define rapid response times to a reported sexual assault. First responders shall include law enforcement, Victim Advocates, Military Criminal Investigative Organization (NCIS, CID, OSI), and health care providers. The guidelines will also include the establishment of a multi-disciplinary case management group. The Services will ensure continuity of care and case management in the event that the victim has a permanent change of station, is deployed or discharged.

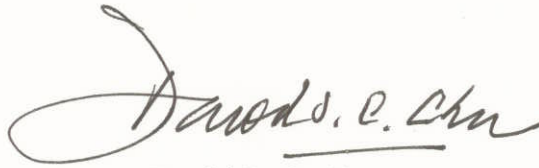
The multi-disciplinary case management group shall be convened by the Sexual Assault Response Coordinator on a monthly basis to review cases, improve reporting, facilitate monthly victim updates, and discuss process improvement to ensure system accountability and victim access to quality services as needed. Each Sexual Assault Response Coordinator will identify and utilize functional area experts to serve on the multi-disciplinary case management group. This group shall consist of the following military or civilian professionals from either the installation or local community services:

- 1) Victim Advocate
- 2) Military Criminal Investigative Organization (i.e., Defense Criminal Investigative Service, Naval Criminal Investigative Service, United States Army Criminal Investigation Command, or Air Force Office of Special Investigations)
- 2) Law Enforcement—Military Security and/or civilian police services
- 3) Health Care Providers
- 4) Mental Health/Counseling Services
- 6) Chaplains
- 7) Command Legal Counsel
- 8) Victims' Commander

The Sexual Assault Response Coordinator will be responsible for ensuring that the disciplines participating in the case management of sexual assault receive appropriate training. Guidance on training standards for a multi-disciplinary case management group will be provided in a future directive-type memorandum.

All Military Services shall submit a copy of the implementing guidance associated with conforming to the requirements outlined in this policy not later than 1 February 2005. My POC for this action is Brigadier General K.C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.

A handwritten signature in dark ink, reading "David S. C. Chu". The signature is written in a cursive style with a large, looping initial "D".

David S. C. Chu



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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Training Standards for Pre-Deployment Information on Sexual Assault and Response Training (JTF-SAPR-012)

This directive-type memorandum establishes Department of Defense (DoD) guidelines in the development of training standards on sexual assault prevention and response to be given to service members whenever they are to be deployed to foreign areas, as required by Section 577(b) (1) and (2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, October 28, 2004. These guidelines are part of DoD's comprehensive policy on the prevention and response to sexual assaults involving members of the Armed Forces.

DoD is committed to preventing sexual assaults on its service members. It is imperative that service members be aware of the unique cultural and operational factors that apply in areas outside of the United States. Knowledge of these factors is key, especially awareness of the customs of the host country and any coalition partners. The policy objective is to establish training standards that ensure service members are provided meaningful situational awareness in their pre-deployment briefings.

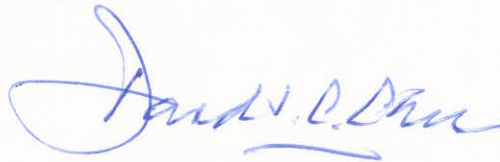
Effective immediately, each Military Service shall develop regulations that require pre-deployment training that includes information specifically related to sexual assault prevention and response. The regulations shall include training requirements that:



1. Ensure that service members who deploy to locations outside the United States are cognizant of sexual assault issues, as well as DoD and specific Service policies addressing sexual assault prevention, prosecution of offenders, and the care of victims. This training will include risk reduction factors that are tailored to the specific deployment locations;
2. Focus on the specific foreign countries or areas anticipated for deployment. It will include customs, mores and religious practices, and a brief history of the foreign countries or areas. The cultural customs and mores of coalition partners will also be addressed;
3. Address procedures for reporting a sexual assault to ensure that service members are aware of the full range of options available; and
4. Identify support systems that will be available during the deployment, to include victim advocates and chaplains.

All Military Services shall submit a copy of the implementing guidance conforming to these requirements not later than 28 February 2005. My POC for this action is Brigadier General K.C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated in a DoD issuance within 180 days.



David S. C. Chu



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SUBJECT: Training Standards for DoD Personnel on Sexual Assault Prevention & Response
(JTF-SAPR-007)

This directive-type memorandum establishes Department of Defense (DoD) policy for providing the minimum training required for the prevention and response to sexual assaults, as required by Section 577(b) (3), (4), and (6) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, P. L. 108-375, October 28, 2004, which is part of DoD's comprehensive policy on the prevention and response to sexual assaults involving members of the Armed Forces.

The policy objective is to establish the minimum baseline training requirements for members of the Armed Forces. Sexual assaults are detrimental to mission readiness. It is essential that Service members understand what constitutes a sexual assault, how to avoid becoming a victim, and to be aware of the steps to take if victimized. The standard DoD definition of sexual assault will be used in all training programs.

Effective immediately, the Military Services shall implement the following required training:

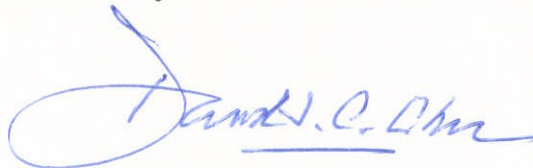
- Upon release of new DoD policy and standards, conduct initial Sexual Assault Prevention and Response training of all Service members.



- Provide Sexual Assault Prevention and Response training during all initial entry training, to include initial officer training programs. The focus of this training is to ensure that service members have a working knowledge of what constitutes a sexual assault, why it is a crime, and the meaning of consent. Additionally, members should understand the full range of reporting options available to them.
- Conduct an annual sexual assault awareness training update. The Care for Victims of Sexual Assault Task Force Report emphasized that training needs are not satisfied by simply using a lecture and Power Point presentation. To help Service members to understand the often complex nature of sexual assaults in the military, this training will be scenario based, using real-life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Training should include total group participation.
- Incorporate Sexual Assault Prevention and Response training into all leadership development and Professional Military Education (PME) programs. PME is designed to develop our leaders at all ranks. It is critical that DoD adopt policies, programs, and procedures to address the sexual assault issue, but these steps alone are not enough to put an end to the sexual assault problem in the military. Constant emphasis is required, accompanied with the clear, immutable commitment of leaders and commanders at all levels. PME offers a venue to challenge in-grained assumptions, discuss leadership's responsibility to establish a climate that proscribes sexual assault and equips leaders with the tools to do this.

Please immediately identify an office of primary responsibility for Sexual Assault Prevention and Response training. All Military Services shall submit a copy of their implementing guidance that conforms to the requirements of this policy not later than February 1, 2005. My POC for this action is Brigadier General K.C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated in a DoD issuance within 180 days.



David S. C. Chu



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NOV 22 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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SUBJECT: Increased Victim Support and A Better Accounting of Sexual Assault Cases (JTF-SAPR-C02)

This directive-type memorandum establishes DoD guidelines for providing enhanced response to Service member victims of sexual assault and to bring about a better accounting of those responses. Each Military Service shall establish appropriate guidance to ensure that all reported sexual assault incidents are appropriately investigated and disposed of in accordance with the Uniform Code of Military Justice, Manual for Courts-Martial, and established policies. Service member victims, and to the extent practicable civilian victims, are to be kept well-informed of any investigative actions taken in response to their reported sexual assault.

Effective immediately, unit commanders of reported victims of sexual assault will ensure, at a minimum, a monthly update is provided to the victim regarding the current status of any on-going investigative, medical, legal or command proceedings regarding their sexual assault. This requirement is in addition to those established by the Victim-Witness Assistance Program. Monthly updates are required until the final disposition of the reported assault. "Final disposition" means the conclusion of any judicial, non-judicial, and administrative actions (including separation actions) taken in response to the offense, whichever is later in time.

In an effort to improve the timeliness of investigations and promote expedient resolution of sexual assault cases, unless otherwise expressly excused by operation of law, regulation, or policy, any military authority who receives a report of an incident of sexual assault shall refer the matter as soon as practicable to investigative authorities assigned to

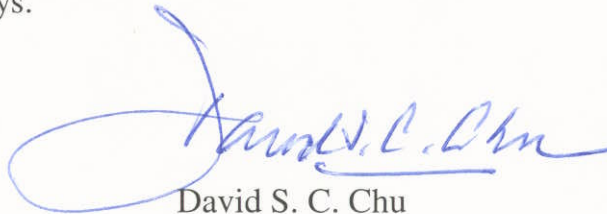


the appropriate Military Criminal Investigative Organization (i.e., Defense Criminal Investigative Service, Naval Criminal Investigative Service, United States Army Criminal Investigation Command, or Air Force Office of Special Investigations), who, in turn, will ensure the victim's unit commander is informed.

Finally, to ensure these cases receive the consistent and appropriate level of command attention and the full responses required by the sensitivities and complexities involved, all Services shall designate a level of command commensurate with the maturity and experience to address the responsibilities involved. The Services will provide a copy of this proposed policy or guidance, with an accompanying rationale NLT January 14, 2005. My POC for this action is Brigadier General K.C. McClain, USAF, Commander, Joint Task Force (Sexual Assault Prevention and Response).

The actions we take to enhance victim support and improve the manner in which we account for the actions taken will encourage more victims to come forward and report these tragic incidents. With time, an increased number of reported cases will build victim confidence in our investigative and military justice systems, and allow us to take the necessary actions to identify and appropriately discipline perpetrators.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.



David S. C. Chu



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NOV 12 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
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SUBJECT: Collateral Misconduct in Sexual Assault Cases (JTF-SAPR-001)

This directive-type memorandum provides Department of Defense (DoD) guidance for addressing a victim's collateral misconduct that may be associated with a reported sexual assault. Each Military Service shall establish Service-specific guidance to ensure collateral misconduct is addressed in a manner that is consistent and appropriate to the circumstances, and at a time that encourages continued victim cooperation. Ultimately, victim cooperation should significantly enhance the command's ability to conduct timely and effective investigations, as well as the appropriate disposition of sexual assault cases.

One of the most significant barriers to the reporting of a sexual assault is the victim's fear of punishment for some of the victim's own actions leading up to or associated with the sexual assault incident. Many reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (i.e., underage drinking or other related alcohol offenses, adultery, fraternization or other violations of certain regulations or orders). Such behavior may be considered collateral misconduct, and may be viewed as a contributing factor to the sexual assault.

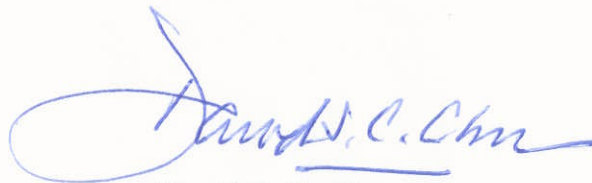
Unit commanders have authority to determine, in a timely manner, how to best dispose of alleged misconduct, to include making the decision to defer disciplinary actions regarding a victim's collateral misconduct until after the final disposition of the sexual assault case. Unit commanders should exercise that authority in appropriate cases. Additionally, for those sexual



assault cases for which the victim's collateral misconduct is deferred, Service reporting and processing requirements should take such deferrals into consideration and allow for the time deferred to be subtracted.

When considering what corrective actions may be appropriate for the victim's collateral misconduct, commanders and supervisors should keep in mind the critical importance of responding appropriately in order to encourage sexual assault reporting and continued cooperation, while avoiding those actions that may further traumatize the victim.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.

A handwritten signature in blue ink, reading "David S. C. Chu". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping underline.

David S. C. Chu



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SUBJECT: Review of Administrative Separation Actions Involving Victims of Sexual Assault (JTF-SAPR-004)

This directive-type memorandum implements Section 577(b)(8) of the National Defense Authorization act for Fiscal Year 2005, as part of the Secretary of Defense's comprehensive policy for the Department of Defense on the prevention and response to sexual assaults involving members of the Armed Forces. The comprehensive DoD policy is to address several matters, including a requirement for the review by appropriate authority of administrative separation actions involving victims of reported sexual assault.

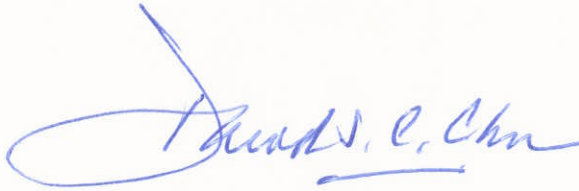
Circumstances associated with a reported sexual assault incident may ultimately result in a determination that the administrative separation of the victim is in the best interests of either the Armed Forces or the victim, or both. Regardless of the reason for initiating the separation action, each victim is entitled to a full and fair consideration of the victim's military service and particular situation. It is vital that all such separation actions and ultimate determinations be consistent and appropriate, and be viewed as such. Accordingly, all Military Services shall designate a level of command, commensurate with the maturity and experience needed, to review all administrative separation actions involving victims of sexual assault and to exercise the responsibilities involved.

All Military Services shall submit the proposed level of command identified, along with the rationale for the selection not later than 10 January 2005. My POC for this



action is Brigadier General K.C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.

A handwritten signature in blue ink, appearing to read "David S. C. Chu", with a large, stylized loop at the beginning.

David S. C. Chu



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NOV 22 2004

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)

SUBJECT: Data Call for CY04 Sexual Assaults (JTF-SAPR-003)

In preparation for the Secretary of Defense's report to the House and Senate Armed Services Committees, I am requesting your assistance in providing, by January 28, 2005, the following data on sexual assaults within your Service that were reported to military officials during CY04:

- The number of sexual assaults against Service members by Service members.
 - The number of sexual assaults against Service members by non-Service members.
 - The number of sexual assaults by Service members against non - Service members.
 - The number of actions taken for each reported sexual assault in the above categories:
 - Investigations opened during the CY;
 - Of those investigations opened during the CY, the number completed during the CY;
 - Of those investigations opened during the CY, those still pending civilian/military disposition at the end the CY.
 - Final disposition to be reported:
 - civilian criminal court action
 - court-martial
 - Article 15, UCMJ, action (non-judicial punishment)
 - other adverse military administrative actions
 - administrative discharge in lieu of court-martial
 - administrative discharge in lieu of disciplinary action as noted above
 - other specified administrative actions to include letter of caution, letter of reprimand/memorandum (not issued at article 15 hearing or court-martial)
 - no actions taken and reason why not (report the reason no action taken as short and succinct as possible such as: insufficient evidence, victim recanted, death of offender, etc...)
- (Note: Indicate multiple actions taken on one offense.)

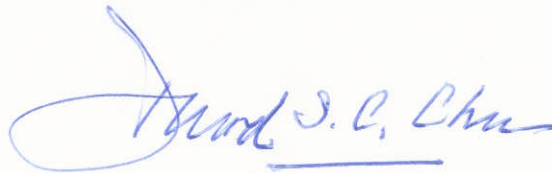


- The policies, procedures and processes in place or implemented during CY04 in response to incidents of sexual assault involving Service members.
- Any plans for Service actions that will be taken during CY05 related to the prevention of and response to sexual assault involving Service members specifically in the areas of: advocacy, healthcare provider/medical response, mental health, counseling, investigative services, legal services, and chaplain response.

For the purposes of this request, sexual assault cases include alleged offenses of rape (Article 120, UCMJ), forcible sodomy (Article, 125, UCMJ), indecent assault (Article 134, UCMJ; Para. 63, Part IV, Manual for Courts-Martial), and an attempt to commit any of these offenses (Article 80, UCMJ). Exclude all cases involving a child (i.e., a person who at the time of the assault had not yet attained the age of 16).

This data call is the basis for quarterly and annual reports until the DIBRS system is fully implemented to include the data fields necessary for comprehensive reporting. In the quarterly reports the policies and plans actions are not required. Quarterly reports are due as follows: April 15, 2005, for investigations opened during the period of January 1 – March 31; July 15, 2005, for investigations opened during the period of April 1 – June 30; and October 14, 2005, for investigations opened during the period of July 1 – September 30. The final quarterly report shall be included as part of the CY annual report. Each quarterly report and subsequent annual reports shall update the status of those previously-reported investigations that were reported as opened, but not yet completed or with action pending at the end of a prior reporting period. Once final action taken is reported, that specific investigation no longer needs to be reported. This reporting system will enable us to track sexual assault cases from date of initiation to completion. Additional data will be requested from the Services at a later date to report the tracking of victims' case management.

Your cooperation in this matter is sincerely appreciated. My POC for this action is Brigadier General K.C. McClain, USAF, Commander, Joint Task Force Sexual Assault Prevention and Response.



David S. C. Chu

Attachment:
As stated

cc:
Deputy Commandant USMC (M&RA)
Director, Joint Staff

HR 4200
Section 577

- (f) ANNUAL REPORT ON SEXUAL ASSAULTS- (1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.
- (2) Each report on an Armed Force under paragraph (1) shall contain the following:
- (A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.
 - (B) A synopsis of, and the disciplinary action taken in, each substantiated case.
 - (C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.
 - (D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.
- (3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.
- (4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.
- (5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005.



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SUBJECT: Commander Checklist for Responding to Allegations of Sexual
Assault (JTF-SAPR-005)

This directive-type memorandum establishes policy that complies with Section 577 and of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, October 28, 2004, and provides a DoD checklist for assisting commanders in safeguarding the rights of the victim and the accused, as well as addressing appropriate unit standards and interests, in sexual assault cases. Its primary objective is to ensure the appropriate balance between a victim's right to feel secure and the accused's rights to due process under the law.

The Department of Defense is fully committed to ensuring the safety and well-being of all members of its Armed Forces. Recognizing that a commander may only respond to one or two sexual assault allegations during his or her tenure, the attached sexual assault response checklist is provided to assist in successfully navigating the myriad of competing interests which may result once a sexual assault is reported. Each Military Service will use this checklist as a guide to respond to reported sexual assaults. Additional Service-specific guidelines may be incorporated as appropriate or needed.

Commanders notified of a reported sexual assault must immediately take steps to ensure the victim's physical safety, emotional security and medical treatment needs are met, and that the appropriate criminal investigative service is notified. Additionally, the victim's unit commander must take the necessary actions to assess and determine the need for

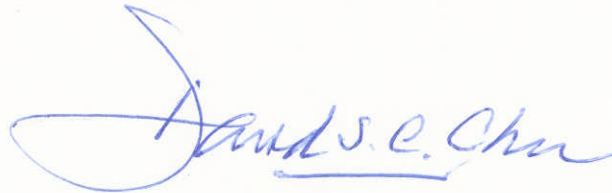


temporary reassignment of the of the victim or the accused being investigated, working with the accused's commander if different than the victim's commander, until there is a final legal disposition of the sexual assault allegation, or any physical safety or emotional security issues are resolved. This might include reassignment to a different unit, duty location, or living quarters on the same installation. To the maximum extent possible, commanders should consider the victim's desires prior to any reassignment decision.

In addition, commanders should also consider "no contact" orders or execute Military Protection Order, DD Form 2873. The victim's commander should consult with each of the members involved in the case response team (i.e., legal, medical, victim advocate, chaplain, etc.) and the commander of the accused, if appropriate, before making a final determination. While the ultimate goal of this analysis is to prevent further harm or victimization of the victim, mission requirements, especially in remote or overseas locations, may dictate other carefully tailor solutions. Commanders have the authority to expand upon this checklist, if necessary, to protect victims from further harm or trauma, or to safeguard the unit. Commanders may also exercise similar considerations for the subject of the investigation.

All Military Services shall submit a copy of their implementing guidance for a Commander's checklist not later than 28 February, 2005. My POC for this action is Brigadier General KC McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.



David S. C. Chu

Attachment:
As stated

COMMANDER RESPONSE PROTOCOLS

for

ALLEGATIONS OF SEXUAL ASSAULT

VICTIM

- Ensure the physical safety and emotional security of the victim--determine if the alleged assailant is still nearby and if the victim desires/needs protection.
- Determine if the victim desires/needs any emergency medical care.
- Notify the military criminal investigative organization, as soon as the victim's immediate safety is assured, and victim's medical treatment procedures are in motion (*See, Under Secretary of Defense (Personnel and Readiness) Memorandum "Increased Victim Support and A Better Accounting of Sexual Assault Cases," November 22, 2004.*);
 - Strictly limit the fact of or details regarding the incident to only those personnel who have a legitimate need to know.
 - Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by the military criminal investigative organization.
- Collect only the necessary information (e.g. victim's identity, location and time of the incident, name and/or description of offender(s)). **DO NOT ASK DETAILED QUESTIONS AND/OR PRESSURE THE VICTIM FOR RESPONSES OR INFORMATION ABOUT THE INCIDENT.**
- Advise the victim of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while waiting for the arrival of representatives of the military criminal investigative organization.
- Assist with or provide immediate transportation for the victim to the hospital or other appropriate medical facility.
- Ensure the victim understands the medical, investigative, and legal process and is advised of his/her victim support rights.
- Ask if the victim needs a support person (can be a personal friend), advocate, or professional to immediately join the victim.
- Ensure the victim understands the role and availability of a Victim Advocate.
- Ask if the victim would like a Victim Advocate to be assigned; if so, contact the Sexual Assault Response Coordinator. The Sexual Assault Response Coordinator will assign a Victim Advocate to meet with and provide support to the victim.
- Ask if the victim would like a Chaplain to be notified and notify accordingly.

- Determine if the victim desires/needs a “no contact” order or a Military Protection Order, DD Form 2873, to be issued, particularly if the victim and the accused are assigned to the same command, unit, duty location, or living quarters.
- Determine the need for temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the accused being investigated, working with the accused’s commander if different than the victim’s commander, until there is a final legal disposition of the sexual assault allegation, and/or the victim is no longer in danger.
 - To the extent practicable, consider the desires of the victim when making any reassignment determinations.
- Determine how to best dispose of the victim’s collateral misconduct. Absent overriding considerations, commanders should exercise their authority in appropriate cases, and defer disciplinary actions for the victim’s minor misconduct until after the final disposition of the sexual assault case. (*See, Under Secretary of Defense (Personnel and Readiness) Memorandum “Collateral Misconduct in Sexual Assault Cases,” November 12, 2004.*)
- Avoid automatic suspension or revocation of a security and/or personnel reliability program (PRP) clearance, when possible, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her PRP status. Consider the negative impact that suspension of a victim’s security clearance may have on building a climate of trust and confidence in the service reporting system.
- Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim’s desires regarding safety, health, and security, as long as neither a critical mission nor a full and complete investigation are compromised.
- Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and assure the victim that she/he can rely on the commander’s support.
- Emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.
- Ensure the victim receives monthly reports regarding the status of the sexual assault investigation until its final disposition. (*See, Under Secretary of Defense (Personnel and Readiness) Memorandum “Increased Victim Support and A Better Accounting of Sexual Assault Cases,” November 22, 2004.*)
- Consult with the servicing legal office, criminal investigative organization, and notify the assigned Victim Advocate prior to taking any administrative or disciplinary action affecting the victim.

ACCUSED

- Contacts with a service member suspected of an offense under the Uniform Code of Military Justice (UCMJ) involve rules and procedures that may be unique within the military. Therefore, before questioning the suspected service member or discussing the case with the service member, commanders and other command representatives should first contact the servicing legal office for guidance. Follow the guidance provided to:
 - Avoid discussing or questioning the sexual assault allegation with the accused service member, to the extent practicable, since doing so may jeopardize the criminal investigation. However, if questioning does occur, prior to questioning the accused service member, advise the service member suspected of committing a UCMJ offense of his/her rights under Article 31 of the UCMJ, and right to defense counsel representation, before questioning him or her or before discussing the sexual assault allegations.
 - Notify the appropriate military criminal investigative organization as soon as possible after receiving a report of a sexual assault incident. (See, Under Secretary of Defense (Personnel and Readiness) Memorandum "Increased Victim Support and A Better Accounting of Sexual Assault Cases," November 22, 2004.)
 - Safeguard the accused's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than those assigned to the military criminal investigative organization conducting the investigation.
 - Strictly limit information, the fact of and the details about the investigation to those who have a legitimate need to know.
 - Ensure procedures are in place to inform the accused service member about the investigative and legal processes that may be involved.
 - Ensure procedures are in place to inform the accused service member about available counseling support. As may be appropriate under the circumstances, refer the accused service member to available counseling groups and other services.
 - Emphasize that the accused is presumed innocent until proven guilty.
- With the benefit of legal and investigative advice, determine the need for a "no contact" order, or the issuance of a Military Protection Order, DD Form

2873, if the victim and the accused are assigned to the same unit, command, or location.

- Monitor the well-being of the accused service member, particularly any indications of suicide potential, and ensure appropriate intervention occurs if indicated.

UNIT

PREVENTION

- Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of all its members.
- Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.
- Reiterate your “zero tolerance” policy on sexual assault and the potential consequences for those who violate the law.
- Keep a “finger on the pulse” of the organization’s climate and respond with appropriate action toward any negative trends that may emerge.

IN THE EVENT OF A SEXUAL ASSAULT

- Encourage members to be appropriately supportive of one another within the organization, to include both the victim and alleged offender in the incident.
- Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.
- Ensure proper authorities are available to explain to potential witnesses the potential consequences of discussing any details related to the on-going investigation.
- Discourage members from participating in “barracks gossip” or grapevine speculation about the case or investigation, reminding all to wait in reaching conclusions until all the facts are known and final disposition of the allegation has occurred.
- Consider some form of unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves, affect the unit, and require their response during the course of the investigation.



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UNDER SECRETARY OF DEFENSE
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DEC 17 2004



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
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DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Collaboration with Civilian Authorities for Sexual Assault Victim
Support (JTF-SAPR-010)

This directive-type memorandum provides DoD guidance for establishing liaison and coordination between military and local civilian authorities with respect to sexual assault responses and the care of victims of sexual assault, consistent with Section 577(b) (10) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, P. L. 108-375, October 28, 2004. This guidance is part of DoD's comprehensive policy on the prevention and response to sexual assaults involving members of the Armed Forces.

It is DoD policy that military installations in the United States (and overseas, where appropriate) shall establish a formal memorandum of understanding (MOU) with local community service providers, and other Military Services, as necessary and appropriate, in order to:

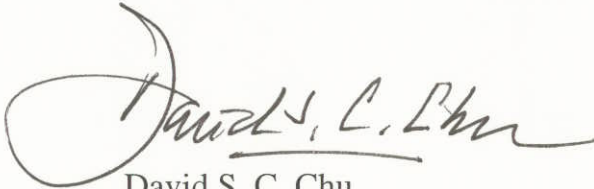
- Enhance the sharing of information concerning investigations, arrests, and prosecutions of reported sexual assault cases, as well as sexual assault care and forensic examinations involving military personnel.
- Collaborate with local community crisis counseling centers, where appropriate, in order to augment their sexual assault expertise into military training programs and to exchange non-identifying sexual assault data involving military personnel.



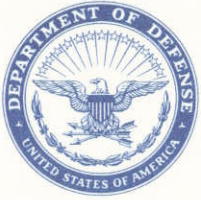
- Coordinate medical and counseling services between military installations, and/or deployed units, related to care for victims of sexual assault.
- Provide medical and counseling services related to care for victims of sexual assault that may not be available on military installations, but are available in the civilian community.
- Provide practical training to military sexual assault medical examiners and health providers, as needed, in order to maintain optimal readiness and ensure the same level of care is provided in deployed, overseas, and remote environments.

All Military Services shall submit a copy of the implementing guidance conforming to the requirements outlined in this policy not later than 15 February 2005. My POC for this action is Brigadier General K.C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.

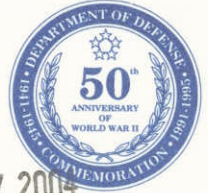


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SUBJECT: Training Standards for Sexual Assault Response Training (JTF-SAPR-011)

This directive-type memorandum establishes DoD guidelines for providing baseline training standards to responders in sexual assault cases, as required by Section 577(b) (2), (3), and (4) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, October 28, 2004, and which is part of the Department of Defense comprehensive policy on the prevention and response to sexual assaults involving members of the Armed Forces.

It is the DoD's intent to leverage best practices that exist within each Military Service's current sexual assault response training. The policy objective is to develop and implement baseline training for first responder groups so that any member of the Total Force that is assaulted will receive the same level of response, regardless of Military Service or environment. Sexual Assault investigations involve complex issues requiring special expertise in the physical and psychological treatment of the victim, and the identification and collection of evidence. Establishing baseline training for first responders safeguards investigative sufficiency, enhances the commander's ability to take appropriate actions, and improves the quality of administrative processes involving chain of custody requirements (evidence seizure, logging/documentation, storing, and disposal).



DoD will develop baseline training standards for first responder groups. First responder groups are to be comprised of personnel in the following disciplines or positions:

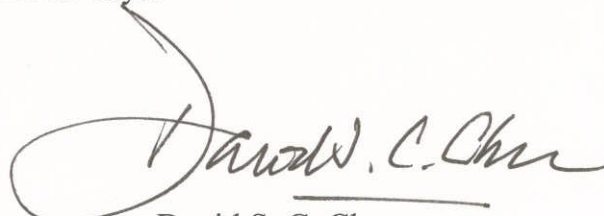
- Healthcare
- Law Enforcement and Criminal Investigators
- Judge Advocate General (JAG) Officers
- Chaplains
- Victim Advocates

First responder baseline training standards will address, but not be limited to, sensitivity to sexual assault victims, timeliness of care, collection of forensic evidence, provision of general medical care, victim advocate assistance, reporting guidelines and procedures, and availability of mental health resources for victims. Emphasis will be placed on training to standards, not to time requirements.

To determine the first responder baseline training standards, the Joint Task Force Sexual Assault Prevention and Response (JTF-SAPR) will convene meetings in January 2005 for each of the above-referenced representatives of the first responder group. Each Military Service is expected to send appropriate subject matter experts to these meetings who are qualified to comment on the strengths and weaknesses of their Military Service's current sexual assault response training. The working groups will leverage best practices, address areas for improvement, and develop first responder baseline training standards.

First responder baseline training standards and implementation guidance will be provided to all Military Services not later than 28 February, 2005. My POC for this action is Brigadier General K. C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on training for sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated in a DoD issuance within 180 days.



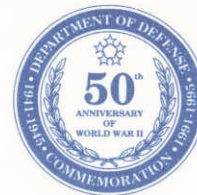
David S. C. Chu



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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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SUBJECT: Department of Defense (DoD) Definition of Sexual Assault (JTF-SAPR-006)

This directive-type memorandum establishes the DoD definition for *sexual assault* and *other sex-related offenses* as required by Section 577 (3) of the Ronald W. Reagan National Defense Authorization act for Fiscal Year 2005, P. L. 108-375, October 28, 2004. The use of the below definitions is for training and educational purposes only. The following apply:

Sexual assault is a crime. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim.

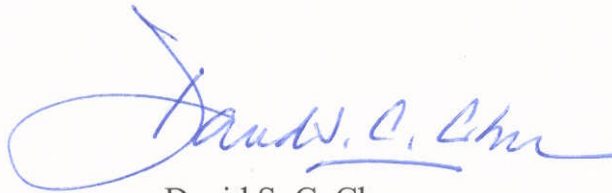
"Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DoD Directive 1350.2, *Department of Defense Military Equal Opportunity*, para E2.1.15. Examples of other sex-related offenses could include indecent acts with another and adultery.



All Military Services will use the above definitions in all training and education programs. Submit a copy of the implementing guidance of these definitions not later than 1 February 2005. POC for this action is Brigadier General K.C. McClain, Commander, Joint Task Force for Sexual Assault Prevention and Response.

This guidance establishes DoD policy on sexual assault matters. This memorandum is effective immediately. This and other sexual assault policies will be consolidated into a DoD issuance within 180 days.

A handwritten signature in blue ink, appearing to read "David S. C. Chu". The signature is stylized with a large, looping initial "D" and a long horizontal stroke at the end.

David S. C. Chu